

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

BEAU McPHAIL

PLAINTIFF

v.

CIVIL ACTION NO.: 4:24-cv-2-DMB-JMV

PERCY L. LYNCHARD

DEFENDANT

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

This matter is before the court upon review of *pro se* Plaintiff Beau McPhail's Motion to Proceed *in forma pauperis* ("IFP") [2] filed on January 9, 2024. For the reasons that follow, the motion is denied without prejudice.

In his IFP application, Plaintiff states the following:

NOTE: I am not swearing under penalty of perjury that I cannot pay the filing fee, only that I have paid a filing fee on this same complaint because we did not realize I had to be 18 to sue, and that if I do not have to pay the filing fee it would be better because I don't have much money and I am trying to save what I can to use to get my dad out of jail. I don't want to run out. B.M.

The court is not aware of any authority by which a *pro se* plaintiff may proceed under IFP status without submitting an application as true under the penalty of perjury, and as such this application is due to be denied. *See Eaker v. TD Auto Finance*, CIVIL NO. 4:14-CV-515-Y(BJ), 2014 WL 12589128, at *1 (N.D. Tex. Jul. 17, 2014) ("Because the IFP application and related papers submitted by Eaker were not submitted as true under the penalty of perjury, he has not provided information sufficient to enable the Court to make a determination as to whether he qualifies ... and thus, the motion/application to proceed in forma pauperis must be denied.").

In addition to the issue with the perjury declaration, Plaintiff's application is inconsistent. Plaintiff indicates that he has no sources of income whatsoever, and yet he lists a monthly car

payment of \$583.14 along with \$220 per month in car insurance payments. For this reason, the application is also due to be denied.

THEREFORE, IT IS ORDERED that Plaintiff's Motion to Proceed in forma pauperis [2] is hereby denied without prejudice. Plaintiff may submit an amended application addressing the deficiencies identified in this Order within fourteen (14) days, or alternatively Plaintiff may pay the filing fee.

SO ORDERED, this, the 2nd day of February, 2024.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE